

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:24-CV-007-MOC-DCK**

**CEDRIC DEAN and SUSAN MILLS DEAN,** )

**Plaintiffs,** )

**v.** )

**CHARLOTTE MECKLENBURG SCHOOLS,** )

**Defendants.** )

---

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on “Defendant’s Motion To Dismiss” (Document No. 7) filed February 16, 2024, and “Plaintiffs’ Motion for Leave To File Amended Complaint For Jury Trial” (Document No. 10) filed February 20, 2024. The motion to amend has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motions, the record, and applicable authority, the undersigned will grant the motion to amend, and direct that the pending motion to dismiss be denied as moot.

**STANDARD OF REVIEW**

Federal Rule of Civil Procedure 15 applies to the amendment of pleadings and allows a party to amend once as a matter of course within 21 days after serving, or “if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed.R.Civ.P. 15(a)(1). Rule 15 further provides:

**(2) Other Amendments.** In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.

Fed.R.Civ.P. 15(a)(2).

### **DISCUSSION**

The undersigned will allow Plaintiffs' timely filed motion for leave to amend their Complaint pursuant to Fed.R.Civ.P. 15(a)(1). Furthermore, the undersigned will direct that "Defendant's Motion To Dismiss" (Document No. 7) be denied as moot.

It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) ("The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect."); see also, Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) ("Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint 'of no effect.'").

To the extent Defendant contends the Amended Complaint is deficient, this Order is without prejudice to Defendant filing a renewed motion to dismiss the Amended Complaint.

**IT IS, THEREFORE, ORDERED** "Plaintiffs' Motion for Leave To File Amended Complaint For Jury Trial" (Document No. 10)is **GRANTED**.<sup>1</sup>

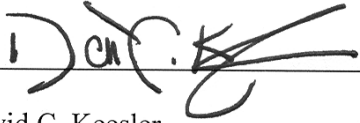
**IT IS FURTHER ORDERED** that "Defendant's Motion To Dismiss" (Document No. 7) is **DENIED AS MOOT**.

---

<sup>1</sup> The "Administrative Procedures Governing Filing and Service by Electronic Means," revised January 1, 2018, at Part II, Section A, Paragraph 8, provide that: "If filing a document requires leave of the Court, such as an amended complaint, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in IV. If the Court grants the motion, the filer will be responsible for electronically filing the document on the case docket."

**SO ORDERED.**

Signed: February 20, 2024

  
\_\_\_\_\_  
David C. Keesler  
United States Magistrate Judge

